

## **REMARKS**

### **I. Introduction**

Claims 1-20 are pending in the application. In the Office Action dated Feb. 21, 2008, claims 1-19 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over U.S. Pat. No. 6,442,611. Additionally, claims 1-4, 6-8, 10-14, 16-18, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,634,127 ("Cloud") in view of U.S. Pat. No. 5,051,947 ("Messenger"); claims 5 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cloud in view of Messenger and what the Examiner asserts is widely-known; and claims 9 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cloud in view of Messenger and U.S. Pat. No. 5,819,092 ("Ferguson"). Applicants respectfully request reconsideration and withdrawal of the rejections to the claims.

### **II. Double Patenting Rejection**

Claims 1-19 were rejected under the judicially created doctrine of double patenting as being unpatentable over U.S. Pat. No. 6,442,611. Upon a determination by the Examiner that the claims are allowed absent the double patenting rejection, Applicants will file a terminal disclaimer to overcome the double patenting rejection.

### **III. The Proposed Combinations Do Not Render Claims 1 and 20 Unpatentable**

Independent claims 1 and 20 recite transmitting a set of data access transactions to respective applications, wherein at least some of the set of data access transactions comprise a first optional data item, and wherein the respective applications process the set of data access transactions even when the respective applications do not recognize the first optional data item. The Examiner has admitted that Cloud fails to teach the use of optional data items. In an effort to cure the deficiency, Messenger was cited. However, Messenger fails to teach the elements for which it was cited.

Messenger is directed to a high-speed single-pass textual search processor for locating exact and inexact matches of a search pattern in a textual stream. The

Examiner asserts that Col. 19, line 52 – Col. 20, line 10 of Messenger teaches the use of optional data items as recited in claims 1 and 20. Applicants disagree.

The portion of Messenger cited by the Examiner teaches the use of optional attributes within a search definition of a search function. For example, a search definition of a search function may be "(CAT and DOG) or (KITTEN and PUPPY)." Messenger, Col 20, line 4. Messenger fails to teach processing a set of data access transactions even when an application does not recognize an optional data item as recited in claims 1 and 20. With respect to the search definition of the search function above, it is not that an application does not recognize a portion of the search definition, but that a first condition of "CAT and DOG" or a second condition of "KITTEN and PUPPY" may satisfy the search function according to the search definition. The portion of Messenger cited by the Examiner fails to teach an application not recognizing a data item in any way. Further, the portion of Messenger cited by the Examiner fails to teach data access transactions comprising optional data items as recited in claims 1 and 20.

The proposed combination of Cloud and Messenger fails to teach transmitting a set of data access transactions to respective applications, wherein at least some of the set of data access transactions comprise a first optional data item, and wherein the respective applications process the set of data access transactions even when the respective applications do not recognize the first optional data item. The Examiner has also not asserted that Ferguson teaches the above-recited element. For at least this reason, the proposed combinations of Cloud, Messenger, and Ferguson necessarily do not render independent claims 1 and 20, or any claim that depends on claim 1, unpatentable.

#### **IV. The Proposed Combinations Do Not Render Claim 10 Unpatentable**

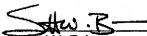
Independent claim 10 recites a system wherein a plurality of applications is operative to process a set of data access transactions even when the plurality of applications do not recognize a first option data item. As discussed above in conjunction with claims 1 and 20, the proposed combination of Cloud and Messenger fail to teach this element. The Examiner has also not asserted that Ferguson teaches a system wherein a plurality of applications is operative to process a set of data access

transactions even when the plurality of applications do not recognize a first option data item. For at least this reason, the proposed combinations of Cloud, Messenger, and Ferguson necessarily do not render independent claim 10, or any claim that depends on claim 10, unpatentable.

**V. Conclusion**

In view of the foregoing remarks, Applicants submit that the pending claims are in condition for allowance. Reconsideration is therefore respectfully requested. If there are any questions concerning this Amendment, the Examiner is asked to phone the undersigned attorney at (312) 321-4200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott W. Brim", is written over a horizontal line.

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